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17 Attorneys for TIBCO Software Inc.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

TIBCO SOFTWARE INC.,

Plaintiff and Counterclaim  
Defendant,

vs.

GATHERSMART LLC,

Defendant and  
Counterclaimant.

CASE NO. 5:20-cv-06422-NC

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

1 Plaintiff and Counterclaim Defendant TIBCO Software Inc. and Defendant and  
2 Counterclaim Plaintiff GatherSmart LLC (each a “Party” and collectively, the “Parties”), by  
3 counsel, hereby stipulate pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the  
4 Parties’ Settlement and Mutual Release Agreement (the “Agreement”) to the dismissal with  
5 prejudice of all claims and counterclaims in this action, with each Party to bear its own attorneys’  
6 fees, costs, and expenses.

7 Pursuant to *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375  
8 (1993) and Rule 41(a)(2), the Parties hereby stipulate to, and, by entering this order, the Court  
9 hereby retains, the Court’s jurisdiction over this matter for any disputes arising out of the  
10 Agreement or for purposes of enforcing the Agreement.

11  
12 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

13  
14 DATED: July 19, 2021

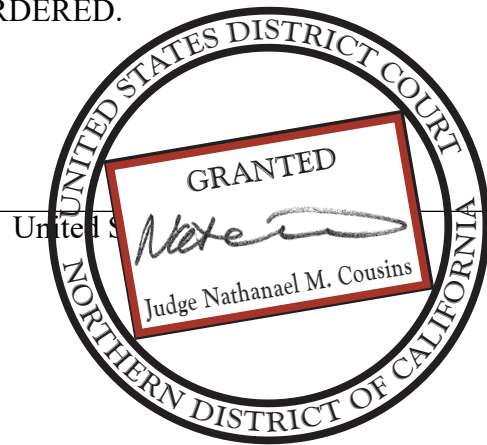
/s/ Lucy Jewett Wheatley  
Attorneys for Plaintiff

15  
16 DATED: July 19, 2021

/s/ Jordan Susman  
Attorneys for Defendant

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20  
21 DATED: July 19, 2021



**ATTESTATION**

In compliance with CAND ECF Policies and Procedures regarding Stipulations and Other Documents Requiring Multiple Signatures, I hereby attest that I have obtained the concurrence in the filing of this document from all signatories

DATED: July 19, 2021

/s/ Lucy Jewett Wheatley  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, Lucy Jewett Wheatley, certify that on July 19, 2021, the foregoing document entitled **STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE** was filed electronically in the Court's ECF; thereby upon completion the ECF system automatically generated a "Notice of Electronic Filing" ("NEF") as service through CM/ECF to registered e-mail addresses of parties of record in the case.

/s/ Lucy Jewett Wheatley

Lucy Jewett Wheatley